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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,302	03/29/2004	Arno Haloila	PIR-116	8276
20374	7590	06/03/2005	EXAMINER	
KUBOVCIK & KUBOVCIK SUITE 710 900 17TH STREET NW WASHINGTON, DC 20006			HUYNH, LOUIS K	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 06/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/811,302	HALOILA, ARNO	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 March 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/12/04</u> - <u>10/12/04</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim 1 is indefinite for having repeated the step of removing the supporting elements from inside the plastic film girdle twice; it is unclear whether or not the step of removing the supporting elements are done twice.

Claim 1, lines 5-6: "the circumference of the product" lacks proper antecedent basic.

Claim 2 is indefinite for having repeated the steps of winding wrapping plastic film, moving the product and/or the plastic film girdle, and removing the supporting elements.

Claim 2, line 5: "if necessary" render the claim indefinite for it is unclear whether or not the limitation following the phrase is a part of the claim.

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Claim 3 is indefinite for having repeated the steps of: winding wrapping plastic film, moving the product and/or the plastic film girdle, and removing the supporting elements.

Claim 3, various places: “plastic film girder” is not understood and lacks proper antecedent basic in the specification because “girder” is a horizontal beam.

Claim 4 is indefinite for having repeated the steps of: winding wrapping plastic film, moving the product and/or the plastic film girdle, and removing the supporting elements.

Claim 4, line 3: “plastic film girder tube” is not understood and lacks proper antecedent basic in the specification because “girder” is a horizontal beam.

Claim 5 is indefinite for having repeated the transfer elements twice, it is unclear whether or not the device comprising twice the transfer elements.

Claim 5, line 3: “it” is indefinite for it is unclear as to what “it” represents.

Claim 5, line 5: “the circumference of the product” lacks proper antecedent basic.

Claim 8 is indefinite for having repeated the wrapping system and supporting elements twice, it is unclear whether or not the device comprising twice the wrapping system and supporting elements.

Claim 8, line 8: “such as” render the claim indefinite for it is unclear whether or not the limitation following the phrase is a part of the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Cere (US 6,751,931).

With respect to Claim 1, Cere discloses a method for applying a plastic film (2) around a product (1) including the steps of: winding a plastic film (2) a round supporting elements (14) to form a plastic film girdle (2a); moving the product (1) so that the product (1) is inside the plastic girdle (2a); removing the supporting elements (14) from inside the plastic film girdle (2a); and allowing the plastic film girdle (2a) to tighten around the product (1).

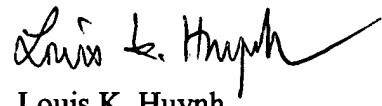
With respect to Claims 2-4, the method of Cere further includes the step of: cutting the wrapping plastic film at a desired length by a cutting means (27); and the step of moving the product (1) on a feed table (8).

With respect to Claims 5, 6, 8 and 9, Cere discloses a device for applying a plastic film (2) around a product (1) including: a plastic film reel (3); a cutting means (27) for cutting the wrapping plastic film (2); a wrapping system having movable supporting elements (14) for forming a plastic girdle on the supporting elements (14) and for transferring the plastic film girdle (2a) onto the product (1); transfer element (8) for transferring the product; and means (16) for removing the supporting elements (14) from inside the plastic film girdle.

With respect to Claim 7, the supporting elements comprise pair of movable elements (14) that are movable away from each other.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure has been cited on form PTO-892 along with the applied prior art.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (571) 272-4462. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Louis K. Huynh  
PRIMARY EXAMINER  
Art Unit 3721

May 31, 2005